APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WAGNER, MURABITO & HAO LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

EXAMINER
NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2141	

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/513,236	PARTOVI ET AL.
	Examiner	Art Unit
	Quang N. Nguyen	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 February 2000 and 26 September 2002_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13,16 and 17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13 and 16-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _02/24/2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 14

Detail Action

1.   Claims 1-13 and 16-17 are presented for examination.   Claims 14-15 are

cancelled without prejudice. Claims 1-2 and 12-13 have been amended.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-5, 7-13, and 16-17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Wise et al. (US 5,884,262), herein after referred as Wise.

4.   As to claim 1, Wise teaches a method of using a telephone identifying information to present information over a telephone interface using a first computer comprising:

using the telephone identifying information to access a user profile (through a caller ID or other AIN identification features) with the first computer, the user profile including a corresponding telephone identifying information matching the telephone identifying information (Wise, C3: L9-18 and C9: L10-12).

using the first computer to update the user profile to include an implicitly made selection comprising a record of behaviors and actions performed over the telephone interface (e.g., a certain user regularly checks the closing price of a certain stock and the traffic report for the area near the user's house could be added/updated to the user profile so later that user may have a profile that provides suggestions direct to his interests instead of traversing several system menus and submenus to access the desired information) (Wise, C9: L2-10).

presenting a suggestion (e.g., "Press 1 for the Bell Atlantic stock closing price and the traffic report for the Silver Spring area. Press 2 for other menu options.") over the telephone interface using the computer, the suggestion based on the user profile, the suggestion comprising at least one of a topic, a sub-topic, a content, and an item for sale (Wise, C9: L5-10).

5.   As to claim 2, Wise teaches the method of claim 1, further comprising: receiving a response to the suggestion over the telephone interface; and updating the user profile

according to an explicitly made selection comprising the received response (Wise, C9: L2-10).

6.   As to claim 3, Wise teaches the method of claim 1, further comprising: using the first computer to present at least one advertisement over the telephone interface (e.g., present introductory information and links to other documents such as weather, traffic, investment/finance or sports), the at least one advertisement qualified based on the user profile (e.g., the closing price of certain stocks or the sport or sport teams in which the user is interested) (Wise, C9: L2-10 and C5: L55-65).

7.   As to claim 4, Wise teaches the method of claim 1, further comprising requesting a voice login over the telephone interface after using the telephone identifying information to access the user profile (Wise, C3: L9-18 and C9: L27-34).

8.   As to claim 5, Wise teaches the method of claim 1, wherein the telephone identifying information comprises a telephone number (a caller ID used to identify a telephone number, Wise, C3: L9-18).

9.   Claim 7 is a corresponding computer system of claims 1-3; therefore, it is rejected under the same rationale.

10.   As to claims 8-9, Wise teaches the computer system of claim 7, wherein the telephone identifying information includes automatic number identifications (ANIs) such as caller number identifications (CIDs) used by the first program code to perform matching of calls to personalization profiles, wherein the ANIs are used to determine geographic locations identifying the approximate geographic locations of the source of the corresponding telephone calls, and wherein the personalized content includes at least one advertisement determined from a corresponding approximate geographic location (Wise, C3: L9-18 and C9: L13-26).

11.   As to claim 10, Wise teaches the computer system of claim 7, wherein the server includes a web server for presenting customized interfaces to users to access and to modify the personalization profiles (Wise, web server IP 350 of Fig. 3, C8: L44-54).

12.   As to claim 11, Wise teaches the computer system of claim 7, wherein the telephone interface subsystem includes a call manager supporting multiple simultaneous telephone calls over the telephone interface (Wise, call manager 210 of Fig. 2, C6: L14-30 and C8: L37-43).

13.   Claims 12-13 are corresponding apparatus claims of claims 1-3; therefore, they are rejected under the same rationale.

14.   As to claim 16, Wise teaches the apparatus of claim 13, further comprising

means for modification of the personalization profile by a user via an Internet link (e.g., if

a user's equipment was a personal computer rather than a telephone, the presentation

manager would modify the presentation format for audio/visual interface rather than an

audio, i.e., telephone interface) (Wise, C8: L44-54).

15.   As to claim 17, Wise teaches the apparatus of claim 16, further comprising

means for modification of the personalization profile by reserve lookup to obtain

demographic information (i.e., using the caller ID or location ID from the user's cellular

phone to obtain the telephone's geographic location) (Wise, C9: L13-26).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk (US

6,161,128), in view of Wise.

18.   As to claim 6, Smyk teaches a method of modifying user profile by using a
telephone identifying information comprising:

requesting addition of a topic to the first computer (web server 204 of Fig. 2) from
a first web site hosted by a second computer (client/AIN subscriber 201 of Fig. 2, Smyk,
C4: L50-63, C5: L48-62, C9: L20-67 and C10: L1-32);

sending a message from the second computer to the first computer (by clicking
the submit button), the message comprising the telephone identifying information and
the topic (Smyk, Figs. 4A-B, C9: L20-67 and C10: L1-32);

adding the topic to a user profile having an associated telephone identifying
information matching the telephone identifying information on the first computer
responsive to the message (Smyk, Figs. 4B-C, C9: L41-67 and C10: L1-32);

However, Smyk does not explicitly teach the method comprising: using the first
computer to present content relating to the topic included in the user profile over the
telephone interface responsive to receiving the telephone identifying information over
the telephone interface.

In the related art, Wise teaches a method allowing a user to access information
(user profile) on a computer network via a simple telephone (Wise, C9: L2-10 and C5:
L55-65).

Therefore, it would have been obvious to one having ordinary skill in the art at
the time the invention was made to combine the teachings of Smyk and Wise to include
the method of using the first computer to present content relating to the topic included in
the user profile over the telephone interface responsive to receiving the telephone

identifying information over the telephone interface because it would allow user to access information contained on a computer network, including the Internet, without a computer terminal (Wise, C3: L26-34).

Response to Arguments

19.   In the remarks, applicant argued in substance that

(A)   Prior Art (Wise) does not teach "an apparatus and a method of presenting at least one suggestion based on the user profile over the telephone interface".

As to point (A), Wise teaches an apparatus and a method of presenting at least one suggestion (e.g., "Press 1 for the Bell Atlantic stock closing price and the traffic report for the Silver Spring area. Press 2 for other menu options", Wise, C9: L2-10) based on the user profile (e.g., based on regularly checking the closing price of a certain stock and the traffic report for the area near the user's house in Silver Spring, MD, before leaving the office) over the telephone interface.

(B)   Prior Art (Wise) does not teach "a method of presenting graphical images in an audio format appropriate for presentation over a telephone interface, as claimed in claims 3 and 13".

As to point (B), Wise teaches when a document such as weather, traffic, or sports (i.e., at least one advertisement) is accessed; it will be processed advantageously through a parser 230 which will interpret the content of the document

wherein headings, labels, text, graphics, audio information, comments, and other types of content will be identified for the call manager 210 to handle appropriately over a telephone interface (Wise, C5: L59-67, C6: L1-14 and C7: L7-55).

(C)   There is no suggest or motivation provided in the cited references to combine them to obtain the claimed combinations of claim 6.

As to point (C), Wise reference is used by the Examiner to show a method allowing a user to access information (i.e., user profile) on a computer network via a simple telephone (Wise, C9: L2-10 and C5: L55-65) and the motivation is provided in the cited references to combine them to obtain the claimed combinations of claim 6 (see the discussion in paragraph 18 above, Wise, C3: L26-34).

20.   Applicant's arguments with respect to claims 1-3, 6-7, and 12-13 have been considered but are moot in view of the new ground(s) of rejection.

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quang N. Nguyen whose telephone number is (703)

305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

primary, Le H. Luu, can be reached at (703) 305-9650. The fax phone numbers for the

organization is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3800/4700.

                                        LE HIEN LUU
                                        PRIMARY EXAMINER

Quang N. Nguyen